

Honorable Ronald B. Leighton

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT TACOMA**

PATTY THOMAS, JENNIFER  
DOWLING, KELLY DYE, JR., ROBERT  
GIBSON, LAURA WISBY, DAVID RINK,  
JUDY BRASHEAR, DAVID  
MASTENBROOK, ARMOND MCWELL,  
SOLIMAN SAYEDI, and BRUCE  
JOHNSON, individually and on behalf of all  
other similarly situated persons,

Plaintiffs,

v.

KELLOGG COMPANY and KELLOGG  
SALES COMPANY,

Defendants.

CASE NO.: 3:13-cv-05136-RBL

**NOTICE OF LODGING OF PROPOSED  
ORDER**

1 On November 9, 2017, during oral argument on numerous pending pre-trial motions,  
2 Defendants Kellogg Company and Kellogg Sales Company (together, “Kellogg”) raised the issue  
3 of whether the Plaintiffs who failed to comply with this Court’s January 20, 2016 order to  
4 respond to Kellogg’s discovery requests (Dkt. 338) should remain in this case. (Jan. 20, 2016  
5 Hr’g Tr. 24:9-23). The parties previously jointly identified 117 individuals who failed to  
6 respond to Kellogg’s written discovery requests as ordered by this Court (Dkt. 354), and briefed  
7 the issue of the dismissal of their claims (Dkts. 355, 358). During the November 9, 2017  
8 hearing, the Court indicated its intent to resolve this issue in short order. (Jan. 20, 2016 Hr’g Tr.  
9 25:18-19).

10 On November 21, 2017, the parties filed a Joint Stipulation of Dismissal of Certain Opt-  
11 in Plaintiffs. (Dkt. 486). Although some of the Plaintiffs who failed to respond to discovery  
12 were dismissed by this agreement, a total of 58 Plaintiffs who failed to respond to discovery in  
13 compliance with the Court’s January 20, 2016 Order remain in this case:

- 14 1. JAMI BAKER
- 15 2. NORMAN BARNEY
- 16 3. THOMAS BOTTICHIO
- 17 4. GARRETT BRASHEAR
- 18 5. CEDRIC BURCH
- 19 6. BLAKE BURNETT
- 20 7. ROBERT CONGER
- 21 8. DAVID CORDES
- 22 9. JOHN FABANISH
- 23 10. KRISTINA FARIAS
- 24 11. ALFREDO FLORES
- 25 12. JOHN GALLOWAY
- 26 13. JAMES GANPAT
- 27 14. BONITA GIGLIO

15. BELINDA GILGENBACH
16. WILLIAM GUFFEY
17. JAMES HAGEN
18. SUSAN HART
19. FRANKLIN HENDERSON
20. ANTHONY HILL
21. KATHERINE HOWELL
22. MARK HOWELL
23. DONNA HOWELL
24. JOSEPH JR HUNLEY
25. JONATHAN JENKINS
26. BRION KNEPP
27. RANDY KUCHENBECKER
28. DANA LEE
29. JOHN LEECH
30. JOE LOYA
31. ARTURO MALDONADO
32. ANTHONY MALLARD
33. ROMMEL MANALO
34. JAMES MCKEAGUE
35. MONICA MULLIS
36. PENNY NELSON
37. PHILIP NUSSBAUM
38. GREGORY OSWALT
39. CARLOS QUILES
40. SCOTT QUIRING
41. RACHEL REALMUTO

1 42. JOSEPH REED  
2 43. JOSEPH RESTIVO  
3 44. ROBERT REYES  
4 45. JOHN RICHARDSON  
5 46. BOB ROBERTS  
6 47. JAMES ROBINSON  
7 48. DOUGLAS SPEER  
8 49. DIANE STEIN  
9 50. CRAIG STOLLER  
10 51. ROBIN SWEENEY  
11 52. MARIA THARP  
12 53. CATHY THOMAS  
13 54. DEREK TYKWINSKI  
14 55. JESUS VARELA  
15 56. DEBORAH VOGLIARDO  
16 57. JOHN WILSON  
17 58. STEPHANIE WINTLE

18 Kellogg hereby lodges an updated proposed order dismissing the claims of these 58  
19 remaining Plaintiffs.

20  
21 Dated: November 28, 2017

Respectfully Submitted,

**GREENBERG TRAURIG LLP**

/s/ James M. Nelson

JAMES NELSON, WSBA No. 44652

GREENBERG TRAURIG, LLP

1201 K Street, Suite 1100

Sacramento, CA 95814

Telephone: (916) 442-1111

Fax: (916) 448-1709

nelsonj@gtlaw.com

JAMES N. BOUDREAU, *pro hac vice*  
CHRISTIANA L. SIGNS, *pro hac vice*  
GREENBERG TRAURIG, LLP  
2700 Two Commerce Square  
2001 Market Street  
Philadelphia, PA 19103  
Telephone: (215) 988-7833  
Fax: (215) 988-7801  
boudreauj@gtlaw.com  
signsc@gtlaw.com

*Attorneys for Defendants Kellogg Company  
and Kellogg Sales Company*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on November 28, 2017, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record via transmission of Notices of Electronic Filing generated by ECF System.

/s/ James M. Nelson  
James M. Nelson